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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,271	07/27/2001	Winston Donald Keech	46354.010300	6817
22191	7590	08/31/2007	EXAMINER	
GREENBERG TRAURIG, LLP			CERVELLI, DAVID GARCIA	
1750 TYSONS BOULEVARD, 12TH FLOOR				
MCLEAN, VA 22102			ART UNIT	PAPER NUMBER
			2136	
NOTIFICATION DATE		DELIVERY MODE		
08/31/2007		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/915,271	KEECH, WINSTON DONALD
	<b>Examiner</b> David G. Cervetti	<b>Art Unit</b> 2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 01 June 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-23,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23,32 and 33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 July 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/18/07
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's arguments filed June 1, 2007, have been fully considered.
2. Claims 1-23 and 32-33 are pending and have been examined. Claims 24-31 have been canceled previously.

***Response to Amendment***

3. The double patenting rejection is withdrawn in view of the terminal disclaimer filed June 1, 2007.
4. Applicant's arguments with respect to the prior art have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-3, 5, 7, 8, 10, 12-23, and 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Kohut (US Patent 6,246,769).**

**Regarding claim 1, Kohut teaches**

- an identity verification secure transaction system comprising (**abstract**):
- a host computer for storing a user code associated with a user, for supplying a pseudo-random security string for a transaction, wherein said host

computer determines a one time transaction code by selecting characters from said pseudo-random security string on a positional basis determined by each digit of the user code (col. 12, lines 20-67); and

- at least one electronic device in electronic communication with said host computer for administering said transaction by receiving said pseudo-random security string and for transmitting a user generated transaction input code to the host computer, wherein said user generated transaction input code is determined by selecting characters from said pseudo-random security string on a positional basis determined by each digit of the user code, wherein said user generated transaction input code is sent to said host computer; and wherein said host computer verifies that said user generated input code matches said one time transaction code (**fig. 6, col. 13, lines 18-67, col. 14, lines 1-31).**

**Regarding claim 15,** Kohut teaches

- a method of verifying an identity for conducting secure transactions comprising the steps of (**abstract**):
- storing information about a user code associated with a host computer; generating a pseudo-random security string by said host computer; determining a transaction code by selecting characters from said pseudo-random security string on a positional basis determined by each digit of the user code (col. 12, lines 20-67);

- transmitting said pseudo-random security string to at least one electronic device; displaying said pseudo-random security string on said at least one electronic device for use by said user; receiving from the user said user generated transaction input code on said at least one electronic device, wherein said user generated transaction input code is determined by the user selecting characters from said pseudo-random security string on a positional basis determined by each digit of the user code; wherein said at least one electronic device transmits said user generated transaction input code to said host computer; and said host computer determines whether said transaction code and said user generated transaction input code match (**fig. 6, col. 13, lines 18-67, col. 14, lines 1-31**).

**Regarding claim 2**, Kohut teaches wherein said at least one electronic device is an Electronic Funds Transfer Point of Sale (EFT/POS) device (**fig. 6, col. 13, lines 18-67, col. 14, lines 1-31**).

**Regarding claim 3**, Kohut teaches wherein said at least one electronic device is comprised of an Electronic Funds Transfer Point of Sale (EFT/POS) device for administering said transaction and receiving said user generated transaction input code and a wireless device associated with said user for receiving and displaying said pseudo-random security string (**col. 1, lines 10-25**).

**Regarding claim 5**, Kohut teaches wherein said at least one electronic device is a wireless device associated with said user (**col. 1, lines 10-25**).

**Regarding claim 7**, Kohut teaches wherein said at least one electronic device is comprised of: a user computer, in electronic communication with said host computer, for receiving and displaying said pseudo-random security string and receiving said user generated transaction input code; and a merchant computer, in electronic communication with said user computer and said host computer, for administering said transaction, wherein one of said at least one electronic device relays said user generated transaction input code to said host computer for user identity verification (fig. 6, col. 13, lines 18-67, col. 14, lines 1-31).

**Regarding claim 8**, Kohut teaches wherein said user computer and said merchant computer communicate via the Internet (col. 11, lines 1-50).

**Regarding claim 10**, Kohut teaches wherein said at least one electronic device is comprised of: a wireless device associated with said user for receiving and displaying said pseudo-random security string, a user computer, in electronic communication with said host computer, for receiving said user generated transaction input code; and a merchant computer, in electronic communication with said user computer and said host computer, for administering said transaction, wherein one of said at least one electronic device relays said user generated transaction input code to said host computer for user identity verification (fig. 6, col. 13, lines 18-67, col. 14, lines 1-31).

**Regarding claim 12**, Kohut teaches wherein said host computer upon verification allows completion of said transaction (fig. 6, col. 13, lines 18-67, col. 14, lines 1-31).

**Regarding claim 13**, Kohut teaches wherein said host computer upon verification allows access to a database (**fig. 6, col. 13, lines 18-67, col. 14, lines 1-31**).

**Regarding claim 14**, Kohut teaches wherein said host computer upon verification allows access to account information (**fig. 6, col. 13, lines 18-67, col. 14, lines 1-31**).

**Regarding claim 16**, Kohut teaches completing a transaction when said transaction code and said user generated transaction input code match (**fig. 6, col. 13, lines 18-67, col. 14, lines 1-31**).

**Regarding claim 17**, Kohut teaches providing access to a database when said transaction code and said user generated transaction input code match (**fig. 6, col. 13, lines 18-67, col. 14, lines 1-31**).

**Regarding claim 18**, Kohut teaches providing access to account information when said transaction code and said user generated transaction input code match (**fig. 6, col. 13, lines 18-67, col. 14, lines 1-31**).

**Regarding claim 19**, Kohut teaches transmitting and displaying said pseudo-random security string on an Electronic Funds Transfer Point of Sale (EFT/POS) device (**fig. 6, col. 13, lines 18-67, col. 14, lines 1-31**).

**Regarding claim 20**, Kohut teaches transmitting and displaying said pseudo-random security string on a wireless device associated with said user (**col. 1, lines 10-25**).

**Regarding claim 21**, Kohut teaches transmitting and displaying said pseudo-random security string on a user computer wherein said user computer is in electronic communication with said host computer (**col. 1, lines 10-25, fig. 6, col. 13, lines 18-67, col. 14, lines 1-31**).

**Regarding claim 22**, Kohut teaches communicating between the said host computer and said user computer via the Internet (**col. 11, lines 1-50**).

**Regarding claim 23**, Kohut teaches transmitting and display said transaction code to said at least one electronic device (**fig. 6, col. 13, lines 18-67, col. 14, lines 1-31**).

**Regarding claim 32**, Kohut teaches wherein said user interaction input code is entered through any area of a touch sensitive display (**col. 9, lines 1-45**).

**Regarding claim 33**, Kohut teaches wherein said user generated transaction input code is determined by the user (**abstract, col. 10, lines 40-67**).

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 4, 6, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohut, and further in view of Walker et al. (US Patent 6,163,771, hereinafter Walker).**

**Regarding claims 4, 9, and 11**, Kohut does not expressly disclose where said one time transaction code is received and displayed by said wireless device / user computer instead of said pseudo-random security string. However, Walker teaches

where said one time transaction code is received and displayed by said wireless device instead of said pseudo-random security string (**col. 11, lines 20-62**). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to display to the user the actual code. One of ordinary skill in the art would have been motivated to perform such a modification to provide a user-friendly interface while also providing security (**Walker, col. 3, lines 1-35**).

**Regarding claim 6**, Kohut does not expressly disclose wherein said one time transaction code is sent to said wireless device instead of said pseudo-random security string. However, Kohut teaches using single-use codes and Walker teaches displaying single use code to the user (**col. 11, lines 20-62**). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the codes to the system of Kohut and Walker. One of ordinary skill in the art would have been motivated to perform such a modification to provide a user-friendly interface while also providing security (**Walker, col. 3, lines 1-35**).

### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David García Cervetti/

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8/27/07